

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

**SINCERE E. COLES
KEVIN VENTURA,**

Plaintiffs,

v.

WIRELESS AND BEYOND DALLAS LLC,

Defendant.

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Case No. RWT 15-cv-2374

ORDER

On January 4, 2016, this Court received both Plaintiffs' Notice of Acceptance of Defendant Wireless and Beyond MD LLC's Offer of Judgment pursuant to Federal Rule of Civil Procedure 68(a). ECF Nos. 31, 32. On January 21, 2016, Plaintiffs Filed a Motion for Attorneys' Fees and Expenses. ECF No. 35. The Court held a hearing on the motion on March 17, 2016. ECF No. 38. For reasons stated on the record at the March 17, 2016 motions hearing and as further explained by tables attached to this Order, Plaintiffs' request for fees and costs totaling \$75,335.88 has been reduced to \$13,964.60. Accordingly, it is this 18th day of March, 2016, by the United States District Court for the District of Maryland,

ORDERED, that judgment for Plaintiff Sincere E. Coles is hereby **ENTERED** against Defendant Wireless and Beyond MD LLC in the amount of Five Thousand Dollars (\$5,000.00); and it is further

ORDERED, that judgment for Plaintiff Kevin Ventura is hereby **ENTERED** against Defendant Wireless and Beyond MD LLC in the amount of Two Thousand Five Hundred Dollars (\$2,500.00); and it is further

ORDERED, that Plaintiffs' Motion for Attorneys' Fees and Expenses (ECF No. 35) is hereby **GRANTED** and the Plaintiffs are hereby awarded Attorneys' Fees and Expenses in the amount of **\$13,503.60 in attorneys' fees and \$461.00 in costs**; and it is further

ORDERED, that the Clerk of this Court is hereby directed to **CLOSE** this case.

/s/
ROGER W. TITUS
UNITED STATES DISTRICT JUDGE

Table 1: Hours Expended on Improper Motion

Attorney	Date	Entry	Hours	Accrued Fees (\$165 x hours)
Nyombi	10/12/2015	Investigation on WB Inc., WB MD LC, WB Dallas LLC internal processes including wage payment, employment records, salary payment, national structure	7.00	\$1,155.00
Nyombi	10/14/2015	Review of client documents on WB Inc., additional emails submitted	2.00	\$330.00
Nyombi	10/15/2015	Research on Samatha Cole and her relationship to WB Inc., WB LLC., WB Dallas LLC	3.00	\$495.00
Nyombi	10/20/2015	Review of documents submitted by client and drafting client questionnaire on the role of WB Dallas in WB Inc. and WB MD LLC	1.00	\$165.00
Nyombi	10/20/2015	Emailing client about joint employment relationship of defendants	0.50	\$82.50
Nyombi	10/22/2015	Review of email from client Sincere Coles on relationship between the three Defendants and Samantha Cole	0.50	\$82.50
Nyombi	10/23/2015	Drafting, reviewing documents and filing of Second Motion to amend and exhibits	8.00	\$1,320.00
Nyombi	11/9/2015	Review of Defendant's response in opposition to Plaintiff's Second Motion to Amend and to Join Samantha Cole, verification of accuracy of authorities cited	5.00	\$825.00
Emejuru	11/9/2015	<i>Review and mark-up of Response in Opposition to Plaintiffs Motion to Amend First Amended Complaint and to Join Samantha Cole as a party, verification of authorities cited, review of exhibit</i>	5.00	\$825.00
Nyombi	11/18/2015	Review of Case authorities cited in Defendants response to Motion to amend	4.00	\$660.00
Nyombi	11/19/2015	Drafting of Reply to Defendants response to Second Motion to Amend, mark-up of Defendants brief in opposition, verification of authorities	7.00	\$1,155.00
Nyombi	11/20/2015	Drafting and reviewing Affidavit of Sincere Coles and Sending it to Sincere Coles	2.00	\$330.00
Nyombi	11/23/2015	Review of Affidavit sent by client Sincere Coles	0.50	\$82.50
Nyombi	11/23/2015	Drafting and filing Reply to Response to Motion Second Motion to Amend/ Correct	3.00	\$495.00
GRAND TOTAL			48.50	\$8,002.50
Nyombi Total Struck			43.50	\$7,177.50
Emejuru Total Struck			5.00	\$825.00

Table 2: Hours Expended After Offer of Judgment

Attorney	Date	Entry	Hours	Accrued Fees (\$165 x hours)
Nyombi	12/31/2015	Phone call with Sincere Coles about Offer of Judgment	1.00	\$165.00
Nyombi	12/31/2015	Emailing of Offer of Judgment to Sincere Coles	0.25	\$41.25
Nyombi	12/31/2015	Emailing Offer of Judgment to Kevin Ventura for signing	0.25	\$41.25
Nyombi	1/1/2016	Review of signed Offer of Judgment Sent by Kevin Ventura	0.50	\$82.50
Nyombi	1/3/2016	Review of email and signed Offer of Judgment Acceptance from Client	0.50	\$82.50
Nyombi	1/4/2016	Email to Attorney Jonathon Hoag	0.25	\$41.25
Nyombi	1/4/2016	Review Email from Attorney Heather Bailey	0.25	\$41.25
Nyombi	1/4/2016	Review, draft and file Notice of Acceptance with Offer of Judgment for Sincere Coles	0.50	\$82.50
Nyombi	1/4/2016	Acceptance for Kevin Ventura	0.50	\$82.50
Nyombi	1/5/2016	Emails from Court Clerk on Filing of Judge's Courtesy Copies	0.25	\$41.25
Nyombi	1/6/2016	Emails to and from Court Clerk on Judge's Courtesy Copies	0.25	\$41.25
Nyombi	1/6/2016	Email to Defense Counsel re: Notice of Acceptance of Offer of Judgment	0.25	\$41.25
Nyombi	1/7/2016	Filing of Judge's Courtesy Copies at the Courthouse	1.00	\$165.00
Nyombi	1/7/2016	Review of Court's Marginal Order Approving Notice of Acceptance of Offer of Judgment - Sincere Coles	0.50	\$82.50
Nyombi	1/7/2016	Review of Court's Marginal Order Approving Notice of Acceptance of Offer of Judgment - Kevin Ventura	0.50	\$82.50
GRAND TOTAL			6.75	\$1,113.75
Nyombi Total Struck			6.75	\$1,113.75

Table 3: Duplicate Tasks

Attorney	Date	Entry	Hours	Accrued Fees (\$165 x hours)
Nyombi	7/31/2015	Office Conference call with Sincere Coles and Attorney Emejuru (duplicates Nyombi 7/31 entry)	1.00	\$165.00
Nyombi	9/9/2015	Review of motion to enter appearance for Attorney Ikechukwu Emejuru (duplicates Emejuru 9/9 entry)	0.25	\$41.25
GRAND TOTAL			1.25	\$206.25
Nyombi Total Struck			1.25	\$206.25

Table 4: Insufficient Detail to Justify Large Amounts of Time

Attorney	Date	Entry	Hours	Accrued Fees (\$165 x hours)
Nyombi	7/7/2015	Review additional documents submitted by client	4.00	\$660.00
Nyombi	7/8/2015	Review of client documents and files concerning her employment with Wireless and Beyond	6.00	\$990.00
Nyombi	7/8/2015	Office conference with co-counsel on the case	1.00	\$165.00
Nyombi	7/9/2015	Research on Wireless and Beyond corporate structure	4.00	\$660.00
Nyombi	7/10/2015	Back ground research on Wireless and Beyond Officers and Directors nationwide	3.00	\$495.00
Nyombi	7/31/2015	Office Conference with client and Attorney Ikechukwu Emejuru about case	1.00	\$165.00
Nyombi	9/8/2015	Office conference with Attorney Ikechuwku Emejuru	1.00	\$165.00
Nyombi	10/6/2015	Review of Defendants Motion to dismiss	4.00	\$660.00
Nyombi	10/7/2015	Review of Defendants Answer to Amended Complaint, Affirmative Defenses, and applicability to case	6.00	\$990.00
Nyombi	12/22/2015	Case Management, review of exhibits for filing and filing of supplemental to Response to motion to dismiss	4.00	\$660.00
GRAND TOTAL			34.00	\$5,610.00
REDUCTION OF 50% FOR EXCESSIVE TIME			17.00	\$2,805.00
NEW TOTAL			17.00	\$2,805.00
Nyombi Total Struck			17.00	\$2,805.00

Table 5: Email Overbilling

Attorney	Date	Entry	Hours	Accrued Fees (\$165 x hours)
Nyombi	9/4/2015	Review Email from Attorney Jonathon Hoag	0.25	\$41.25
Nyombi	9/4/2015	Email to Attorney Jonathon Hoag	0.25	\$41.25
Nyombi	9/4/2015	Review email from Attorney Heather Bailey	0.25	\$41.25
Nyombi	9/8/2015	Email to Attorney Heather Bailey	0.25	\$41.25
Nyombi	9/16/2015	Review email from Attorney Jonathon Hoag	0.25	\$41.25
Nyombi	9/18/2015	Review email from Attorney Jonathon Hoag	0.25	\$41.25
Nyombi	9/18/2015	Review Email from Attorney Jonathon Hoag	0.25	\$41.25
Nyombi	9/18/2015	Review Email from Attorney Jonathon Hoag	0.25	\$41.25
Nyombi	9/18/2015	Review Email from Attorney Jonathon Hoag	0.25	\$41.25
Nyombi	9/18/2015	Email to Attorney Jonathon Hoag	0.25	\$41.25
Nyombi	10/6/2015	Review Email from Attorney Jonathon Hoag	0.25	\$41.25
Nyombi	10/6/2015	Email to Attorney Jonathon Hoag	0.25	\$41.25
Nyombi	10/7/2015	Email to Attorney Jonathon Hoag	0.25	\$41.25
Nyombi	10/8/2015	Emails to Attorney Heather Bailey	0.50	\$82.50
Nyombi	10/8/2015	Review email from Attorney Heather Bailey	0.25	\$41.25
Nyombi	10/9/2015	Review email from Attorney Heather Bailey	0.25	\$41.25
Nyombi	10/16/2015	Review email from Attorney Heather Bailey	0.25	\$41.25
Nyombi	10/21/2015	Review email from Attorney Heather Bailey	0.25	\$41.25
Nyombi	10/21/2015	Email to Attorney Jonathon Hoag	0.25	\$41.25
Nyombi	10/22/2015	Review email from Attorney Heather Bailey	0.25	\$41.25
Nyombi	10/22/2015	Email to Attorney Heather Bailey	0.25	\$41.25
Nyombi	10/22/2015	Review Email from Attorney Jonathon Hoag	0.25	\$41.25
Nyombi	10/23/2015	Review Email from Attorney Jonathon Hoag	0.25	\$41.25
Nyombi	10/23/2015	Email to Attorney Jonathon Hoag	0.25	\$41.25
Nyombi	11/13/2015	Review of emails from Court Clerk on Filing Judge's Courtesy hard copies of documents with Court	0.25	\$41.25
Nyombi	11/20/2015	Email to Attorney Jonathon Hoag	0.25	\$41.25
GRAND TOTAL			6.75	\$1,113.75
REDUCTION OF 66% FOR EXCESSIVE TIME			4.50	\$742.50
NEW TOTAL			2.25	\$371.25
Nyombi Total Struck			4.50	\$742.50

Table 6: Overbilling for Routine Filings

Attorney	Date	Entry	Hours	Accrued Fees (\$165 x hours)
Nyombi	7/14/2015	Review Paperless Order granting motion to appear pro hac for Jonathon Hoag	0.25	\$41.25
Nyombi	8/11/2015	Preparing request for summons and filing it in Court	0.50	\$82.50
Nyombi	8/13/2015	Review of summons issued by Court	0.50	\$82.50
Nyombi	9/1/2015	Review of filed summons and filing the executed summons in Court	0.50	\$82.50
Nyombi	9/8/2015	Review of Motion to Appear Pro hac vice for Jonathon D. Hoag	0.25	\$41.25
Nyombi	9/8/2015	Review of Motion to appear pro hac vice for Heather A. Bailey	0.25	\$41.25
Nyombi	9/14/2014	Review Paperless Order granting motion to appear pro hac vice Heather Bailey	0.25	\$41.25
Nyombi	9/16/2015	Review Order granting motion for extension of time to respond to Plaintiff's Complaint	0.50	\$82.50
Nyombi	9/21/2015	Review of joint motion for extension of time to amend and respond to initial pleadings	0.50	\$82.50
Nyombi	10/6/2015	Review of Court's Order granting extension of time to Amend	0.50	\$82.50
Nyombi	10/6/2015	Review of Defendants' Answer	0.50	\$82.50
Nyombi	10/7/2015	Review of Clerk's Deficiency Notice concerning Local Rule 103.3 and Defendants Corporate Disclosure Issue	0.25	\$41.25
Nyombi	10/7/2015	Review of Summons issued to WB Inc. and WB MD LLC.	0.50	\$82.50
Nyombi	10/8/2015	Review of Defendants Corporate Disclosure Statement	0.50	\$82.50
Nyombi	10/10/2015	Review and filing of summons returned executed for WB LLC and WB Inc.	0.50	\$82.50
Nyombi	12/11/2015	Review of Court's Order directing Plaintiffs to respond to Motion to Dismiss	0.50	\$82.50
GRAND TOTAL			6.75	\$1,113.75
REDUCTION OF 66% FOR EXCESSIVE TIME			4.50	\$742.50
NEW TOTAL			2.25	\$371.25
Nyombi Total Struck			4.50	\$742.50

Table 7: Excessive Research

Attorney	Date	Entry	Hours	Accrued Fees (\$165 x hours)
Nyombi	7/16/2015	Review of Maryland Wage and Hour law case law for precedents	4.00	\$660.00
Nyombi	7/16/2015	Review of case law and secondary materials on Opt-in Actions under FLSA	3.00	\$495.00
Nyombi	7/17/2015	Review of Fair Labor Standard Act decisions in the various circuits including the Fourth Circuit	5.00	\$825.00
Nyombi	7/21/2015	Review of Maryland Wage Payment and Collection Law ("MWPCCL") precedent and secondary materials	5.00	\$825.00
Nyombi	7/22/2015	Review of relief available in Fair Labor Standards Cases, different secondary materials	4.00	\$660.00
Nyombi	8/7/2015	Development of case theory	3.00	\$495.00
GRAND TOTAL			24.00	\$3,960.00
Nyombi Total Struck			24.00	\$3,960.00

Table 8: Excessive Time to Draft Amended Complaint

Attorney	Date	Entry	Hours	Accrued Fees (\$165 x hours)
Nyombi	9/22/2015	Drafting Praecipe on filing Amended Complaint	0.50	\$82.50
Nyombi	9/23/2015	Final draft and filing of Status report - Plaintiff's praecipe on filing First Amended Complaint	0.50	\$82.50
Nyombi	9/23/2015	Drafting of Amended Complaint, editing redline version and filing of First Amended Complaint	4.00	\$660.00
GRAND TOTAL			5.00	\$825.00
REDUCTION BY 50% FOR EXCESSIVE TIME			2.50	\$412.50
NEW TOTAL			2.50	\$412.50
Nyombi Total Struck			2.50	\$412.50

Table 9: Summary of All Struck Hours

Nyombi	
Claimed Hours	183.15
Hours Struck	
Improper Mot.	43.50
After Offer of Judgment	6.75
Excessive Research	24.00
Duplicate Tasks	1.25
Excessive Am. Compl. Time	2.50
Email Overbilling	4.50
Routine Filing Overbilling	4.50
Insufficient Detail	17.00
Remaining Hours	79.15
Percentage Adjustments	
-5% for quarter-hour billing	3.96
<i>Total Hours Struck</i>	<i>100.04</i>
Revised Hours	75.19
Revised Fees	\$12,406.35

Emejuru	
Claimed Hours	12.00
Hours Struck	
Improper Mot.	5.00
After Offer of Judgment	0.00
Excessive Research	0.00
Duplicate Tasks	0.00
Excessive Am. Compl. Time	0.00
Email Overbilling	0.00
Routine Filing Overbilling	0.00
Insufficient Detail	0.00
Remaining Hours	7.00
Percentage Adjustments	
-5% for quarter-hour billing	0.35
<i>Total Hours Struck</i>	<i>4.65</i>
Revised Hours	6.65
Revised Fees	\$1,097.25

Table 10: Final Summary

Attorney	Revised Hours	Fees (\$165 x hours)
Nyombi	75.19	\$12,406.35
Emejuru	6.65	\$1,097.25
Total Fees	81.84	\$13,503.60
Costs		\$461.00
TOTAL FEES AND COSTS		\$13,964.60